S.B. CIVIL WRIT PETITION NO. 4883/2007.

CENTRAL CIRCUIT CINE ASSOCIATION
VS.
STATE OF RAJASTHAN & ORS.

DATE OF ORDER : 17.08.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. P.C. Sharma for the petitioner.
Mr. B.L. Tiwari, Dy. Government Advocate.

By the order dated 08.01.2007, the Secretary to the Government of Rajasthan, Department of Home Affairs, rejected the revision petition preferred by the petitioner challenging the grant of license to respondent No.4 M/s. Golden Cinema, Jawahar Khana Road, Jodhpur. The Secretary, by the order impugned, held that no revision petition giving challenge to an order granting license can be maintained in view of the provisions of Section 5(3) of the Rajasthan Cinema Regulation Act, 1952 that provides for a remedy of an appeal against grant of cinema license.

Looking to the short controversy involved in this petition for writ, under the instructions of the Court, Shri B.L. Tiwari, learned Dy. Government Advocate accepts notice on behalf of respondents No. 1, 2 and 3.

The remedy of appeal as prescribed under Section 5 of the Act of 1952 is against an order for denial of grant of license by the licensing authority.

In the instant matter, the case of the petitioner is that the licensing authority erroneously granted license to respondent M/s. Golden Cinema, Jawahar Khana Road, Jodhpur. As such, the remedy of appeal as prescribed under Section 5 of the Act of 1952 was not available to the petitioner. Section 5-A empowers the State Government to revise any order of licensing authority including the grant of license. Thus, the remedy available to the petitioner was only by way of filing revision petition and not the appeal under Section 5-A of the Act of 1952. The order passed by the Secretary, Department of Home Affairs, therefore, is apparently bad.

Accordingly, this petition for writ is disposed of with a direction to the Secretary to the Department of Home Affairs, Government of Rajasthan, Jaipur to register and entertain the revision petition preferred by the petitioner giving challenge to the license dated 26.09.2006 in favour of M/s. Golden Cinema, Jawahar Khana Road, Jodhpur, if that is not incompetent otherwise.

(GOVIND MATHUR)J.

Anil/